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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,215	12/21/2001	Steve Tischer	BS01280 (BS01280)	1463

7590 08/18/2003

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EXAMINER

ISSING, GREGORY C

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,215

Applicant(s)

TISCHER, STEVE

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16,33,35 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16,33,35 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

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1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The amendment filed 7/28/03 is entered, claims 16, 33, 35 and 38 are pending.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 16, 33, 35 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman et al.

Hoffman et al disclose the claimed system and method for locating and tracking a wireless device including a wireless device in the form of a portable signaling unit (Figure 5) for wirelessly communicating via a cellular telephone system 70 to a remotely located central dispatch system 80 (further shown in Figure 6) including a database in computer system 90 for storing and tracking the movement of the wireless device. Upon the wireless device sensing an alarm input condition, the microcontroller 106 sends a transmission consisting of its unit ID number, the alarm code and a hierarchy of coordinate data to the central dispatch station. The battery sensor 122 meets the scope of an algorithm for estimating the battery power.

5. Claims 16, 33, 35 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhou et al.

6. Zhou et al disclose the claimed system and method for monitoring and tracking mobile, wireless devices, see Figure 1, including wireless device 100, a wireless communication network 30, and a remotely located database 200. The wireless device communicates position and sensor data to the database through the wireless communication system 30 wherein the database stores the instantaneous and historical position and sensor data. End users 25 have access to the information stored at the database. The sensor data at the wireless device is monitored and generates an alert message if the sensor data exceeds an alarm threshold. Figure 2b shows the wireless device and includes a battery 230 wherein microprocessors may monitor the battery and generate low battery warnings for communication to the database [0065]. Zhou et al therefore is deemed to teach monitoring position and sensor data and the subsequent communication of the position and sensor data upon detection of exceeding an alarm threshold; the sensing of battery power and its comparison to a threshold as a means of generating an alarm condition therefore meets the scope of the claimed invention since the generation of an alarm condition necessarily communicates the alert condition as well as the position and sensor data.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sheynblat et al (6,314,308) discloses a system including a cellular base station for communicating between a mobile wireless device and a PSAP inherently including a database for storing the location of the mobile wireless devices calling 911. Sheynblat et al additionally teach the conventionality of monitoring the power level of a battery of the mobile wireless device comprising a GPS receiver wherein the power level of the device is compared to a predetermined threshold. When the power level reaches the predetermined threshold, a reserve power provides power for the activation of the portable transceiver, establishment of a call

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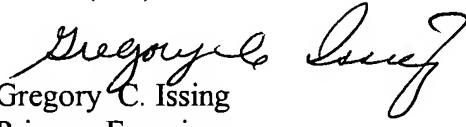
between the portable device and the base station, transfer of aiding information, receipt of GPS satellite information and communication of the GPS satellite information, used for determining position, to the base station. Stingone, Jr. discloses a system and method for locating and tracking a wireless device 10 wherein position information received from GPS satellites is communicated to the a database 50 over a communication link comprising a relay satellite and a control center wherein the wireless device transmits the position information when the battery power of the device reaches a predetermined level, i.e. it is powered on initially by button 20 and subsequently by a timer 160. Neher discloses a personal location detection system including a wireless device (18 of Figure 6), a wireless communication network, and a central station 12 which monitors and tracks the location of the wireless device. The wireless device includes a battery sensor to determine when the power level is low and operate accordingly. Barron et al teach an integrated GPS/wireless communication and tracking device including a battery sensing device in the wireless device that monitors the power condition. Upon monitoring a low condition of the battery, the wireless device would communicate with the base station and convey information thereto.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703)-306-4171. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Gregory C. Issing
Primary Examiner
Art Unit 3662

gci